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May 1, 2020

VIA EMAIL

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: United States v. Hoa Duc Nguyen
07 Cr. 1121 (PAE)**

Dear Judge Engelmayer:

On February 20, 2020 the Court directed Mr. Nguyen to submit a letter setting forth his views regarding the proper disposition of his petition in light of the decision in *United States v. Davis*, 139 S.Ct. 2319 (2019) and other authority. Because there were several cases pending in the Second Circuit that could have resolved one of the key points of law in Mr. Nguyen's petition, he sought additional time to update the Court. The government consented, and the Court granted the request.

The Second Circuit has still not resolved that key issue (whether attempt to commit Hobbs Act robbery is a crime of violence for purposes of 18 U.S.C. § 924(c)). Rather than continue to adjourn the matter, however, the parties respectfully request that the Court set a briefing schedule as follows: petitioner's brief due May 15; the government's response due May 29; and petitioner's reply due June 5.


Respectfully submitted,

/s/
David E. Patton
Attorney for Mr. Nguyen

5/4/2020

The Court approves of the above-proposed briefing schedule, which provides two weeks for petitioner's brief, two weeks for the Government's response, and one week for petitioner's reply. Accordingly, petitioner's brief is due May 19, 2020; the Government's response is due June 2, 2020; and petitioner's reply is due June 9, 2020.

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge